IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7096 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RADHESHYAM PURSHOTTAMDAS TRIVEDI - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR BP TRIVEDI for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 08/03/2007

ORAL JUDGMENT

1. The petitioner has preferred the present petition for challenging the legality and

validity of the notice dated 3.8.1996 issued by respondent No.2 in purported exercise of the power under Section 76A of the Bombay Tenancy and Agricultural Lands Act (hereinafter referred to as “the Act”), whereby the matter was proposed to be taken in revision against the order dated 28.9.1992 passed by the Mamlatdar and ALT, Daskroi in Tenancy Case No.459 of 1992.

2. When the matter is taken up for hearing, Mr.Chhaya, learned AGP placed on record the communication received by the office of the Government Pleader dated 3.1.1997 intimating that the proceedings under Section 76A of the Act pursuant to the impugned notice are finalised vide order dated 7.12.1996 and as per the said order, the notice under Section 76A is withdrawn and the order of the Mamlatdar dated 28.9.1992 is confirmed. The copy of the order of the Dy. Collector dated 7.12.1996 is also produced on record.

3. In view of the above, as the cause for the petitioner would not survive for challenging the notice since the final order is passed and in

the final order, the said notice is withdrawn.

4. It may be recorded that initially no stay was granted, however, this Court when admitted the petition on 12.12.1996 and granted ad-interim relief in connection with the impugned notice, it appears that it was not brought to the notice of the Court regarding the order dated 7.12.1996 passed by the Dy. Collector, whereby the impugned notice has been withdrawn. Be that as it may, the fact remains that the notice, which is under challenge, is withdrawn subsequently by the Dy. Collector vide order dated 7.12.1996 and, therefore, in any case, the cause would not survive. Hence, disposed of accordingly. Rule discharged. I.R., if any, stands vacated.

8.3.2007 **(Jayant Patel, J.)**

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